

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KRZYSZTOF F. WOLINSKI,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

No. 2:22-cv-0451-KJM-EFB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 17, 2022, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis. The court notes that in one of the cases cited by the magistrate judge, *Wolinski v. Acosta*, the presiding Judge declined to adopt the “recommendation that an order be issued designating that this

1 dismissal be counted as a strike under 28 U.S.C. § 1915(g).” 1:15-cv-00519-DAD-SAB (ECF
2 No. 26). Even without this case, however, plaintiff has suffered at least three strikes under
3 28 U.S.C. § 1915(g).

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations filed March 17, 2022, are adopted;
- 6 2. Plaintiff’s application to proceed in forma pauperis (ECF No. 2) is denied; and
- 7 3. Plaintiff shall pay the \$402 filing fee with fourteen days from the date of this order and
8 failure to do so will result in the dismissal of this action.

9 DATED: July 14, 2022.

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12 CHIEF UNITED STATES DISTRICT JUDGE
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